

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE SOUTH CAROLINA REAL ESTATE COMMISSION**

IN THE MATTER OF:

Arkadiusz Grabara,

License Number REL.11620 (lapsed),

Case # 2012-468

Respondent.

FINAL ORDER

This matter came before the South Carolina Real Estate Commission ("Commission") on November 12, 2014, for a hearing to consider the Memorandum of Agreement and Stipulations dated September 15, 2014. A quorum of Commission members was present. The hearing was held pursuant to S.C. Code Ann. §§ 40-1-70(6) and 40-57-60(2) (1976, as amended), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended). Lauren N. Kearney, Assistant Disciplinary Counsel, represented the State. The Respondent was present and was not represented counsel. After consideration, the Commission voted to accept the Memorandum of Agreement and Stipulations, with the sanctions specified in this Order.

In the Memorandum of Agreement and Stipulations, the Respondent admitted to violations of S.C. Code Ann. §§ 40-1-110(1) (f) and 40-57-145(A) (8) and (9), (1976, as amended).

EXHIBITS

Joint Exhibit 1- Memorandum of Agreement and Stipulations with attached exhibit.

State's Exhibit 1- Attorney waiver signed by Respondent.

FINDINGS OF FACT

Based upon the preponderance of the evidence in the record before the Commission, including Respondent's admissions in the Memorandum of Agreement and Stipulations and exhibit attached thereto, and testimony presented by the Respondent at the hearing, the Commission makes the following findings of fact:

1. At all times relevant to this matter, Respondent was duly licensed by the South Carolina Real Estate Commission and is subject to the jurisdiction of the Commission.
2. On or about April 24, 2012, Respondent was charged with felony mortgage fraud.

3. On or about June 20, 2012, Respondent pled guilty to making false statements on a mortgage loan application.

4. On or about November 29, 2012, Chief Judge Terry L. Wooten of the United States District Court for the District of South Carolina (Florence) imposed the following sentence on Respondent: imprisonment for a term of twelve months and one day; supervised release for a term of five years upon release from imprisonment; and restitution at a rate of \$500.00 per month beginning thirty days after Respondent's release from confinement.

5. On or about April 29, 2013, the Commission received written notification from Respondent of his felony conviction. Respondent also attached a copy of his sentencing terms.

6. Respondent testified that he overstated his wife's income on a no income stated document and the loan went into default five years later. He testified that the mortgage broker also went to prison.

7. He testified that he was licensed for 15 years without any disciplinary problems.

8. The State submitted that Respondent was accountable and cooperative.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this case, the Commission finds and concludes as a matter of law that:

1. The Commission has jurisdiction in this matter under S.C. Code §§ 40-1-115 and 40-57-60 (2), and, upon finding that a Respondent has violated the statutes or regulations of the Commission, the Commission has the authority to order the revocation, suspension, or probation of a license to practice and prescribe conditions to be met during probation, restriction or suspension, including but not limited to the satisfactory completion of additional education, continuing education programs or a supervisory period.. Additionally, the Commission may assess a fine and impose a public reprimand. Upon a determination by the Commission that discipline is not appropriate, the Commission may issue a non-disciplinary letter of caution. S.C. Code Ann. §§ 40-57-150 and 40-1-120.

2. Respondent is in violation of S.C. Code Ann. § 40-57-145(A) (8) (1976, as amended) in that Respondent pled guilty to mortgage fraud in federal court.

3. Respondent is in violation of S.C. Code Ann. § 40-57-145(A)(9) (1976, as amended) in that Respondent failed to report to the Commission in writing by certified mail, within ten days, notice of his conviction.

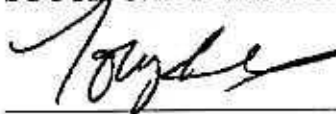
4. Respondent is in violation of S.C. Code Ann. § 40-1-110(1) (f) (1976, as amended) in that Respondent committed a dishonorable, unethical, or unprofessional act that was likely to deceive, defraud, or harm the public.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. Respondent's License number REL 11620 shall be revoked.
2. This Final Order shall take effect upon service of this Order on the Respondent.

AND IT IS SO ORDERED.

SOUTH CAROLINA REAL ESTATE COMMISSION



Tony K. Cox
Chairman

December 11, 2014.